

REMARKS

The Office Action dated June 3, 2005 has been reviewed and carefully considered. Claims 1-17 remain pending in this case, claims 1, 3, 7, 12 and 15 being the independent claims. The Examiner's allowance of claims 3-17 is appreciated.

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Grounds of Rejection of the Claims

Claim 1 stands rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,148,197 to Bridges et al. ("Bridges") in view of U.S. Patent No. 4,028,500 to McClure et al. ("McClure").

Claim 2 stands rejected under 35 U.S.C. 103(a) as unpatentable over Bridges in view of U.S. Patent No. 6,456,839 to Chow et al. ("Chow").

Traversal of Grounds of Rejection

Claim 1 recites:

responsive to the determination of deviation, informing, by the portable radio telephone, to a mobile switching center of said determination of deviation.

Bridges fails to disclose or suggest this feature of the present claim 1.

FIG. 3 in Bridges shows a determination of deviation (S.6: NO branch),

but that determination results merely in an internal search by the mobile phone (S.10) and in the making of a subsequent internally-made decision (S.12) as to whether the current carrier is preferred. Depending on the outcome of the decision, the mobile terminal either remains with its current carrier or obtains service from a band it identifies from another internal search. No informing occurs to a message switching center (MSC) of the determination of deviation responsive to that determination.

Perhaps, the Office Action envisions that an additional box be placed in Bridges FIG. 3 between S.6 and S.10 specifying that the mobile terminal informs the MSC of the determination of deviation so that the MSC can appropriately bill the subscriber. Such a suggestion would be ill-founded, for a number of reasons.

Firstly, the intelligent roaming process of Bridges FIG. 3 is performed only upon initialization of the mobile terminal (S.2). Such initialization occurs, for example, when the subscriber selects Intelligent Roaming mode (IR Mode: col. 12, lines 11-12), but it would be unreliable to expect the subscriber to make the selection if it means the subscriber would be billed at a higher rate. The only reason the subscriber is using Intelligent Roaming is to save money (col. 4, line 35: "best roaming agreement"). The whole idea of waiting for the user to make a selection so that higher billing rates can be charged to the user is probably unworkable and awkward at best. Moreover, implementing this billing control function in the mobile phone leaves open the

possibility that user equipment might be fraudulently manipulated to avoid detecting deviation from the home zone, to lower billing charges.

Similarly, although initialization of the mobile terminal (S.2) can also occur from powering on the portable phone, such is an event bearing little relation to the location of the phone during phone calls. A portable phone is generally left powered on and idle, so that incoming calls can be answered and outgoing calls can readily be made. Moreover, the powering on of a phone does not coincide with the location of the phone, or with movement into or out of a home zone.

For billing, Bridges might want to keep track of whether, when a user places a phone call, the user is within or outside the home market area. This monitoring is independent of the user-selected function of entering IR Mode (col. 12, lines 11-13: "when an Intelligent Roaming mode (IR Mode) has been selected by the user"). Notably, the fact the IR Mode is invoked by the user implies that a user can roam without invoking the IR mode. Keeping track of whether a user placing a call is within the home market area is a function separate from what appears in Bridges FIG. 3, step S.6. Bridges might also want to keep track of when a user enters or leaves the home market area during a phone call. Again, this monitoring, as an adjunct to the billing function, is performed independently of the user invoking the IR Mode.

Secondly, Bridges discloses that a Mobile Telephone Switching Office

(MTSO) may compile billing information (col. 2, lines 8-9), e.g., from statistics received from a base station such as a) call time within the home market area, and b) call time outside the home market area. These statistics do not depend upon the user invoking the IR Mode or powering on a phone; instead, they relate to the location of the mobile station at the start of, and possibly during, a call. The compilation at the MTSO does not amount to or imply "informing, by the portable radio telephone, to a mobile switching center of said determination of deviation." There is no disclosure or suggestion that the Bridges MTSO has any knowledge of the determination made in FIG. 3, step S.6.

As set forth above, not only does Bridges fail to disclose or suggest that the determination of phone location in FIG. 3 is in any way related to the billing function -- the applicant fails to see how FIG. 3 could reasonably be modified to implement the billing function.

In an alternative approach, the Office Action, while acknowledging that Bridges fails to disclose or suggest the informing step of claim 1 (Office Action, page 3, first sentence), suggests that McClure makes up the difference independently of billing considerations.

McClure discloses a portable telephone user determining, during a phone conversation, that reception is unacceptable. The user may then, by means of the phone keyset 306, make a zone change (ZC) request which automatically causes a zone change

message to be transmitted by the phone. Accordingly, McClure the phone user may be assisting hand-off to another base station (“Background of the Invention,” second paragraph), to improve reception. In particular, to improve phone reception, the McClure user may assist the infrastructure in handing off to another base station if the user’s location deviates from a former location having better phone reception.

It is unclear how McClure applies to Bridges. The Bridges home market area includes “many” base stations (col. 1, lines 29-30). The Bridges portable phone detects, upon initialization, whether it is in its home market area in order to decide whether to: a) stay with its current carrier, or b) search for a preferred wireless carrier.

It is, for example, unclear to the present applicant how the McClure handoff procedure would have suggested modification of Bridges.

The Office Action suggests that McClure discloses informing “said determination of deviation;” however, the McClure determination amounts to no more than the user’s assessment that phone reception is unacceptable, and the McClure deviation is merely from formerly better phone reception.

It is unclear to the applicant what not being in your Bridges home market area, or deciding you want to search for a preferred wireless carrier, has to do with quality level of phone reception.

In particular, it is unclear how, and by what motivation, Bridges can

reasonably be seen as modified by McClure to feature:

determining, by the portable radio telephone, whether the portable radio telephone deviates from the home zone to make a determination of either deviation or non-deviation from the home zone; and, responsive to the determination of deviation, informing, by the portable radio telephone, to a mobile switching center of said determination of deviation

For at least the foregoing reasons, the applicant is at a loss to speculate how, and by what motivation, the Office Action is combining Bridges with McClure.

Chow discloses billing at a higher rate when the user travels outside both the home and subscribed-to visitor zones, but, Chow does not disclose a portable phone determining that it has deviated from a home zone. Instead, Chow discloses the mobile wireless infrastructure making a determination that a portable phone has traveled from a home zone to a subscribed-to visiting zone (col. 16, lines 55-66).

As discussed above, it is unclear how the Chow billing feature could reasonably be seen as suggesting modification of the Bridges FIG. 3 phone-initialization-launched carrier-selection process.

In particular, it is unclear to the applicant how, and by what motivation, the Office Action envisions Bridges modified by Chow to feature:

determining, by the portable radio telephone, whether the portable radio telephone deviates from the home zone to make a determination of either deviation or non-deviation from the home zone; and, responsive to the determination of deviation, informing, by the portable

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radio telephone, to a mobile switching center of said determination of deviation

For at least all of the above reasons, the proposed combination of references fails to render obvious the present invention as recited in either claim 1 or its dependent claim 2. Reconsideration and withdrawal of the rejection are respectfully requested.


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In view of the foregoing amendments and remarks, it is believed that this application is now in condition for allowance. The Examiner is invited to contact the undersigned in the event of any perceived outstanding issues so that passage of the case to issue can be effected without the need for a further Office Action.

Respectfully submitted,

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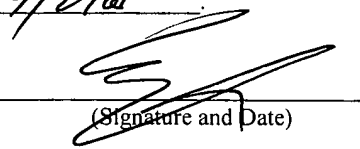
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